



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
GRAND RAPIDS DIVISION

BISSELL HOMECARE, INC.,)

Plaintiff,)

v.)

DYSON, INC.,)

Defendant.)

Case No. 1:08-cv-724

Hon. Robert J. Jonker

DYSON UNIT

UNSERIALIZED

PER ENTRY FILED 11-10-09

PRIOR ART STATEMENT OF DEFENDANT DYSON, INC.

Pursuant to the Court's Case Management Order (the "CMO"), dated September 16, 2009, Defendant Dyson, Inc. ("Dyson") hereby submits its Prior Art Statement. As required by the CMO, Dyson's Prior Art Statement: (1) lists all of the prior art which is now known to Dyson and on which it now intends to rely for invalidity contentions regarding the claims in U.S. Patent Nos. 6,344,064 ("the '064 patent"); 6,582,489 ("the '489 patent") and 7,247,181 ("the '181 patent") identified by Plaintiff BISSELL Homecare, Inc. ("Plaintiff") in its claim chart (collectively, the "Asserted Claims"); (2) includes a statement of which item of prior art applies to which of the Asserted Claims; and (3) the relevant section(s) of 35 U.S.C. § 102 and/or § 103 under which each item of prior art is applied.

As required by the CMO, the Prior Art Statement lists only the art now known and upon which Dyson now intends to rely. Furthermore, for purposes of this Prior Art Statement only, Dyson has assumed that the Asserted Claims may be so broadly construed as to cover the Dyson products identified by Plaintiff in its Preliminary Infringement Contentions¹ but does not

¹ Dyson repeats its objections to Plaintiff's Preliminary Infringement Contentions, including, *inter alia*, that Plaintiff has failed to identify with the requisite specificity the features of Dyson's products that are at issue here.

concede that such a broad construction is appropriate. Dyson reserves its right to amend and/or supplement its Prior Art Statement as this matter proceeds, for any reason, in accordance with any schedules set by this Court.

Prior Art	Asserted Claims	Relevant Section(s) of 35 U.S.C. § 102 and/or 103
European Patent Application No. EP 0 728 435 A1	<u>'064 patent</u> This item of prior art applies to the following asserted claims in the '064 patent: 24, 25, 26, 27 and 28.	<u>'064 patent</u> Claim 24: 102(b) and/or 103(a) Claim 25: 102(b) and/or 103(a) Claim 26: 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims in the '489 patent: 3, 4, 5, 10, 11, 12, 13, 14, 16 and 17.	<u>'489 patent</u> Claim 3: 102(b) and/or 103(a) Claim 4: 102(b) and/or 103(a) Claim 5: 102(b) and/or 103(a) Claim 10: 102(b) and/or 103(a) Claim 11: 102(b) and/or 103(a) Claim 12: 103(a) Claim 13: 102(b) and/or 103(a) Claim 14: 102(b) and/or 103(a) Claim 16: 103(a) Claim 17: 103(a)
	<u>'181 patent</u> This item of prior art applies to the following asserted claims in the '181 patent: 1, 5, 6, 7, 8, 9, 13, 16, 19 and 22.	<u>'181 patent</u> Claim 1: 103(a) Claim 5: 103(a) Claim 6: 103(a) Claim 7: 103(a) Claim 8: 103(a) Claim 9: 103(a) Claim 13: 103(a) Claim 16: 103(a) Claim 19: 103(a) Claim 22: 103(a)

Prior Art	Asserted Claims	Relevant Section(s) of 35 U.S.C. § 102 and/or 103
International Publication No. WO 98/10691	<u>'064 patent</u> This item of prior art applies to the following asserted claims of the '064 patent: 25, 26, 27 and 28.	<u>'064 patent</u> Claim 25: 103(a) Claim 26: 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 10, 11, 12, 13, 14, 16 and 17.	<u>'489 patent</u> Claim 10: 102(b) and/or 103(a) Claim 11: 102(b) and/or 103(a) Claim 12: 102(b) and/or 103(a) Claim 13: 102(b) and/or 103(a) Claim 14: 103(a) Claim 16: 103(a) Claim 17: 103(a)
	<u>'181 patent</u> This item of prior art applies to the following asserted claims of the '181 patent: 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 19, 22, 29, 30, 31, 32, 33, 34, 35, 36 and 37.	<u>'181 patent</u> Claim 1: 103(a) Claim 2: 103(a) Claim 5: 103(a) Claim 6: 103(a) Claim 7: 103(a) Claim 8: 103(a) Claim 9: 103(a) Claim 10: 103(a) Claim 11: 103(a) Claim 13: 103(a) Claim 14: 103(a) Claim 15: 103(a) Claim 16: 103(a) Claim 19: 103(a) Claim 22: 103(a) Claim 29: 103(a) Claim 30: 103(a) Claim 31: 103(a) Claim 32: 103(a) Claim 33: 103(a) Claim 34: 103(a) Claim 35: 103(a) Claim 36: 103(a) Claim 37: 103(a)

Prior Art	Asserted Claims	Relevant Section(s) of 35 U.S.C. § 102 and/or 103
Japanese Utility Model Application No. S52- 14775	<u>'064 patent</u> This item of prior art applies to the following asserted claims of the '064 patent: 25, 26, 27 and 28.	<u>'064 patent</u> Claim 25: 102(b) and/or 103(a) Claim 26: 102(b) and/or 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 10, 11, 12, 13, 14 and 16.	<u>'489 patent</u> Claim 10: 102(b) and/or 103(a) Claim 11: 102(b) and/or 103(a) Claim 12: 103(a) Claim 13: 102(b) and/or 103(a) Claim 14: 102(b) and/or 103(a) Claim 16: 102(b) and/or 103(a)
Japanese Utility Model Application No. S60- 171252	<u>'064 patent</u> This item of prior art applies to the following asserted claims of the '064 patent: 25, 26, 27 and 28.	<u>'064 patent</u> Claim 25: 103(a) Claim 26: 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 10, 11, 12, 13 and 14.	<u>'489 patent</u> Claim 10: 102(b) and/or 103(a) Claim 11: 102(b) and/or 103(a) Claim 12: 102(b) and/or 103(a) Claim 13: 103(a) Claim 14: 103(a)

Prior Art	Asserted Claims	Relevant Section(s) of 35 U.S.C. § 102 and/or 103
UK Patent Application No. GB 2,330,786A	<u>'064 patent</u> This item of prior art applies to the following asserted claims of the '064 patent: 25, 26, 27 and 28.	<u>'064 patent</u> Claim 25: 102(b) and/or 103(a) Claim 26: 102(b) and/or 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 10, 11, 12, 13, 14, 16, 17, 18 and 19.	<u>'489 patent</u> Claim 10: 102(b) and/or 103(a) Claim 11: 102(b) and/or 103(a) Claim 12: 103(a) Claim 13: 102(b) and/or 103(a) Claim 14: 102(b) and/or 103(a) Claim 16: 103(a) Claim 17: 103(a) Claim 18: 102(b) and/or 103(a) Claim 19: 102(b) and/or 103(a)
	<u>'181 patent</u> This item of prior art applies to the following asserted claims of the '181 patent: 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 19, 22, 29, 30, 31, 32, 33, 34, 35, 36 and 37.	<u>'181 patent</u> Claim 1: 103(a) Claim 2: 103(a) Claim 5: 103(a) Claim 6: 103(a) Claim 7: 103(a) Claim 8: 103(a) Claim 9: 103(a) Claim 10: 103(a) Claim 11: 103(a) Claim 13: 103(a) Claim 14: 103(a) Claim 15: 103(a) Claim 16: 103(a) Claim 19: 103(a) Claim 22: 103(a) Claim 29: 102(a) and/or 103(a) Claim 30: 102(a) and/or 103(a) Claim 31: 102(a) and/or 103(a) Claim 32: 102(a) and/or 103(a) Claim 33: 103(a) Claim 34: 102(a) and/or 103(a) Claim 35: 102(a) and/or 103(a) Claim 36: 102(a) and/or 103(a) Claim 37: 102(a) and/or 103(a)

Prior Art	Asserted Claims	Relevant Section(s) of 35 U.S.C. § 102 and/or 103
U.S. Patent No. 2,071,975	<u>'181 patent</u> This item of prior art applies to the following asserted claims of the '181 patent: 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 16 and 19.	<u>'181 patent</u> Claim 1: 103(a) Claim 2: 103(a) Claim 5: 103(a) Claim 6: 103(a) Claim 7: 103(a) Claim 8: 103(a) Claim 9: 103(a) Claim 10: 103(a) Claim 13: 103(a) Claim 14: 103(a) Claim 16: 103(a) Claim 19: 103(a)
U.S. Patent No. 2,171,248	<u>'064 patent</u> This item of prior art applies to the following asserted claims of the '064 patent: 25, 26, 27 and 28.	<u>'064 patent</u> Claim 25: 103(a) Claim 26: 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 10, 11, 12, 13, 14, 16 and 17.	<u>'489 patent</u> Claim 10: 102(b) and/or 103(a) Claim 11: 102(b) and/or 103(a) Claim 12: 103(a) Claim 13: 102(b) and/or 103(a) Claim 14: 103(a) Claim 16: 102(b) and/or 103(a) Claim 17: 102(b) and/or 103(a)

Prior Art	Asserted Claims	Relevant Section(s) of 35 U.S.C. § 102 and/or 103
U.S. Patent No. 2,553,175	<u>'064 patent</u> This item of prior art applies to the following asserted claims of the '064 patent: 24, 25, 26, 27 and 28.	<u>'064 patent</u> Claim 24: 103(a) Claim 25: 103(a) Claim 26: 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 3, 4, 5, 10, 11, 12, 13, 14, 16, 17, 18 and 19.	<u>'489 patent</u> Claim 3: 102(b) and/or 103(a) Claim 4: 102(b) and/or 103(a) Claim 5: 102(b) and/or 103(a) Claim 10: 103(a) Claim 11: 103(a) Claim 12: 103(a) Claim 13: 103(a) Claim 14: 103(a) Claim 16: 103(a) Claim 17: 103(a) Claim 18: 102(b) and/or 103(a) Claim 19: 102(b) and/or 103(a)
U.S. Patent No. 2,604,956	<u>'064 patent</u> This item of prior art applies to the following asserted claims of the '064 patent: 24, 25, 26, 27 and 28.	<u>'064 patent</u> Claim 24: 103(a) Claim 25: 103(a) Claim 26: 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 3, 4, 5, 10, 11, 12, 13, 16, 17, 18 and 19.	<u>'489 patent</u> Claim 3: 102(b) and/or 103(a) Claim 4: 102(b) and/or 103(a) Claim 5: 102(b) and/or 103(a) Claim 10: 103(a) Claim 11: 103(a) Claim 12: 103(a) Claim 13: 103(a) Claim 16: 103(a) Claim 17: 103(a) Claim 18: 102(b) and/or 103(a) Claim 19: 102(b) and/or 103(a)

Prior Art	Asserted Claims	Relevant Section(s) of 35 U.S.C. § 102 and/or 103
U.S. Patent No. 2,837,172	<u>'064 patent</u> This item of prior art applies to the following asserted claims of the '064 patent: 25, 26, 27 and 28.	<u>'064 patent</u> Claim 25: 103(a) Claim 26: 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 10, 11, 12, 13, 14, 16 and 17.	<u>'489 patent</u> Claim 10: 102(b) and/or 103(a) Claim 11: 102(b) and/or 103(a) Claim 12: 103(a) Claim 13: 102(b) and/or 103(a) Claim 14: 103(a) Claim 16: 102(b) and/or 103(a) Claim 17: 102(b) and/or 103(a)
	<u>'181 patent</u> This item of prior art applies to the following asserted claims of the '181 patent: 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 19, 22, 29, 30, 31, 32, 33, 34, 35, 36 and 37.	<u>'181 patent</u> Claim 1: 103(a) Claim 2: 103(a) Claim 5: 103(a) Claim 6: 103(a) Claim 7: 103(a) Claim 8: 103(a) Claim 9: 103(a) Claim 10: 103(a) Claim 11: 103(a) Claim 13: 103(a) Claim 14: 103(a) Claim 15: 103(a) Claim 16: 103(a) Claim 19: 103(a) Claim 22: 103(a) Claim 29: 102(b) and/or 103(a) Claim 30: 102(b) and/or 103(a) Claim 31: 103(a) Claim 32: 103(a) Claim 33: 103(a) Claim 34: 102(b) and/or 103(a) Claim 35: 102(b) and/or 103(a) Claim 36: 103(a) Claim 37: 103(a)
U.S. Patent No. 3,283,480	<u>'181 patent</u> This item of prior art applies to the following asserted claims of the '181 patent: 36 and 37.	<u>'181 patent</u> Claim 36: 103(a) Claim 37: 103(a)

Prior Art	Asserted Claims	Relevant Section(s) of 35 U.S.C. § 102 and/or 103
U.S. Patent No. 3,425,192	<u>'064 patent</u> This item of prior art applies to the following asserted claims of the '064 patent: 25, 26, 27 and 28.	<u>'064 patent</u> Claim 25: 103(a) Claim 26: 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claim of the '489 patent: 14.	<u>'489 patent</u> Claim 14: 103(a)
U.S. Patent No. 4,373,228	<u>'064 patent</u> This item of prior art applies to the following asserted claim of the '064 patent: 24, 25 and 26.	<u>'064 patent</u> Claim 24: 102(b) and/or 103(a) Claim 25: 103(a) Claim 26: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 3, 4, 5, 10, 11, 13, 14, 16, 18 and 19.	<u>'489 patent</u> Claim 3: 102(b) and/or 103(a) Claim 4: 102(b) and/or 103(a) Claim 5: 102(b) and/or 103(a) Claim 10: 102(b) and/or 103(a) Claim 11: 102(b) and/or 103(a) Claim 13: 102(b) and/or 103(a) Claim 14: 103(a) Claim 16: 102(b) and/or 103(a) Claim 18: 102(b) and/or 103(a) Claim 19: 102(b) and/or 103(a)

Prior Art	Asserted Claims	Relevant Section(s) of 35 U.S.C. § 102 and/or 103
U.S. Patent No. 4,853,008	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 10, 11, 13, 14, 16 and 17.	<u>'489 patent</u> Claim 10: 102(b) and/or 103(a) Claim 11: 102(b) and/or 103(a) Claim 13: 102(b) and/or 103(a) Claim 14: 103(a) Claim 16: 102(b) and/or 103(a) Claim 17: 103(a)
	<u>'181 patent</u> This item of prior art applies to the following asserted claims of the '181 patent: 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 19 and 22.	<u>'181 patent</u> Claim 1: 103(a) Claim 2: 103(a) Claim 5: 103(a) Claim 6: 103(a) Claim 7: 103(a) Claim 8: 103(a) Claim 9: 103(a) Claim 10: 103(a) Claim 11: 103(a) Claim 13: 103(a) Claim 14: 103(a) Claim 15: 103(a) Claim 16: 103(a) Claim 19: 103(a) Claim 22: 103(a)
U.S. Patent No. 5,160,356	<u>'064 patent</u> This item of prior art applies to the following asserted claims of the '064 patent: 24, 25, 26, 27 and 28.	<u>'064 patent</u> Claim 24: 102(b) and/or 103(a) Claim 25: 103(a) Claim 26: 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 3, 4, 5, 10, 11, 13, 14, 16, 17, 18 and 19.	<u>'489 patent</u> Claim 3: 102(b) and/or 103(a) Claim 4: 102(b) and/or 103(a) Claim 5: 102(b) and/or 103(a) Claim 10: 102(b) and/or 103(a) Claim 11: 102(b) and/or 103(a) Claim 13: 102(b) and/or 103(a) Claim 14: 103(a) Claim 16: 102(b) and/or 103(a) Claim 17: 103(a) Claim 18: 102(b) and/or 103(a) Claim 19: 102(b) and/or 103(a)

Prior Art	Asserted Claims	Relevant Section(s) of 35 U.S.C. § 102 and/or 103
U.S. Patent No. 5,779,745	<u>'064 patent</u> This item of prior art applies to the following asserted claims of the '064 patent: 25, 26, 27 and 28.	<u>'064 patent</u> Claim 25: 103(a) Claim 26: 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This items of prior applies to the following asserted claims of the '489 patent: 10, 11, 12, 13 and 14.	<u>'489 patent</u> Claim 10: 102(b) and/or 103(a) Claim 11: 102(b) and/or 103(a) Claim 12: 102(b) and/or 103(a) Claim 13: 102(b) and/or 103(a) Claim 14: 103(a)
U.S. Patent No. 6,192,550	<u>'064 patent</u> This item of prior art applies to the following asserted claims of the '064 patent: 25, 26, 27 and 28.	<u>'064 patent</u> Claim 25: 103(a) Claim 26: 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 10, 11, 12, 13, 14, 16 and 17.	<u>'489 patent</u> Claim 10: 102(e) and 103(a) Claim 11: 102(e) and 103(a) Claim 12: 102(e) and 103(a) Claim 13: 103(a) Claim 14: 103(a) Claim 16: 103(a) Claim 17: 103(a)

Prior Art	Asserted Claims	Relevant Section(s) of 35 U.S.C. § 102 and/or 103
Operating Manuals and product brochures: Dyson DC01, DC02 and DC03 products	<u>'064 patent</u> These items of prior art apply to the following asserted claims of the '064 patent: 25, 26, 27 and 28.	<u>'064 patent</u> Claim 25: 103(a) Claim 26: 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 10, 11, 12, 13, 14, 16 and 17.	<u>'489 patent</u> Claim 10: 102(b) and/or 103(a) Claim 11: 102(b) and/or 103(a) Claim 12: 103(a) Claim 13: 102(b) and/or 103(a) Claim 14: 103(a) Claim 16: 103(a) Claim 17: 103(a)
	<u>'181 patent</u> These items of prior art apply to the following asserted claims of the '181 patent: 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 19, 22, 29, 30, 31, 32, 33, 34, 35, 36 and 37.	<u>'181 patent</u> Claim 1: 102(b) and/or 103(a) Claim 2: 102(b) and/or 103(a) Claim 5: 103(a) Claim 6: 103(a) Claim 7: 103(a) Claim 8: 103(a) Claim 9: 103(a) Claim 10: 103(a) Claim 11: 103(a) Claim 13: 103(a) Claim 14: 102(b) and/or 103(a) Claim 15: 102(b) and/or 103(a) Claim 16: 102(b) and/or 103(a) Claim 19: 102(b) and/or 103(a) Claim 22: 102(b) and/or 103(a) Claim 29: 103(a) Claim 30: 103(a) Claim 31: 103(a) Claim 32: 103(a) Claim 33: 103(a) Claim 34: 103(a) Claim 35: 103(a) Claim 36: 103(a) Claim 37: 103(a)

Prior Art	Asserted Claims	Relevant Section(s) of 35 U.S.C. § 102 and/or 103
Instruction Manual for Sanyo SC-B1210, SC-B1220 and SC-B1230 products, and any such products sold in the U.S.	<u>'064 patent</u> This item of prior art applies to the following asserted claims of the '064 patent: 25, 26, 27 and 28.	<u>'064 patent</u> Claim 25: 103(a) Claim 26: 103(a) Claim 27: 103(a) Claim 28: 103(a)
	<u>'489 patent</u> This item of prior art applies to the following asserted claims of the '489 patent: 10, 11, 12, 13, 14, 16 and 17.	<u>'489 patent</u> Claim 10: 102(a) or 102(b) and/or 103(a) Claim 11: 102(a) or 102(b) and/or 103(a) Claim 12: 102(a) or 102(b) and/or 103(a) Claim 13: 103(a) Claim 14: 103(a) Claim 16: 103(a) Claim 17: 103(a)

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